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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/857,160

07/01/2001

Charles Eldering

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TECHNOLOGY, PATENTS AND LICENSING, INC./PRIME
2003 SOUTH EASTON RD
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DOYLESTOWN, PA 18901

EXAMINER

ALVAREZ, RAQUEL

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

10/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/857,160	Applicant(s) ELDERING ET AL.	
	Examiner Raquel Alvarez	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 15-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to communication filed on 8/7/07.
2. Claims 1-4 and 15-23 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 and 15-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al.(5,977,964 hereinafter Williams) in view of Official Notice.

With respect to claims 1, Williams teaches a method for identifying a subscriber (Abstract and col. 3, lines 14-19). Monitoring a plurality of viewing sessions (i.e. viewing activities such as volume control, channel changes while watching a cable or satellite program is monitored)(Figure 1, col. 5, lines 52-59); clustering the viewing sessions wherein the sessions within a cluster have a common identifier representative of a subscriber selection data (i.e. the collection of viewing sessions and related data based on the user's viewing habits and activities is recorded in user profile database 800); identifying a subscriber from the clusters of viewing sessions based on the subscriber selection data (i.e. the system determines which user of a plurality of users is currently using the system by comparing received inputs and current settings to at least a subset of the user profiles for at least a subset of the plurality of entertainment system users)(col. 3, lines 14-19).

With respect to the newly added feature of the subscriber being identified independently of subscriber characteristics established prior to the monitoring step. Official Notice is taken that it is old and well known in marketing and the like to identify demographic information of who is currently watching a TV program without having prior information on the viewers in order to broadcast programs or commercial to a large audience. For example, characteristics of subscribers such as income, gender, race and the like is identified based on the current program watched. It would have been obvious to a person of ordinary skill in the art at the time of William's invention to have replaced the pre-entered data of known subscribers with the well known method of collecting viewing demographics of unknown users in order to offers programming/entertainment suggestions to a vast majority of users.

With respect to claims 2-3, Williams further teaches generating a program characteristics vector and a demographic vector for each of the viewing sessions (i.e. based on the characteristics for the program, the demographic for that user is determined. Example, a child or an adult is using the system)(col. 6, lines 40-49); processing the program characteristics vector and the demographic vector to generate one or more clusters of session data vectors (i.e. based on the nature of the program and the demographic of the user a profile is determined for that particular member of the household)(col. 6, lines 25-49).

With respect to claim 4, Williams further teaches generating a signature signal based upon the EPG related data (i.e. based upon the uses interactions, an identifier is selected for the user)(col. 5, lines 64-, col. 6, lines 1-12); and correlating the signature signal to one or more common identifiers (i.e. the user's identifier is matched to the other common identifiers for that user)(col. 5, lines 64-, col. 6, lines 1-12).

With respect to claims 15 and 23, Williams teaches a method of identifying a subscriber, in a data processing system (Abstract). Obtaining a record of previous viewing sessions (Figure 8); grouping the previous viewing sessions into at least one session group according to at least one common characteristic (Figure 8); receiving a plurality of inputs from a subscriber (Figure 3, 302); comparing said plurality of inputs to said at least one session group(Figure 3, 304); and determining if said subscriber is characterized according to one of said at least one session groups (Figure 8).

With respect to the newly added limitation of the grouping of the sessions occurring independently of characteristics established prior to the monitoring steps. Williams teaches classifying the programs as being a s-sports program, m-music, mv-movies, n-news and so on. The program classification occurs prior to obtaining/collecting the user's viewing sessions.

Claims 16-18 further recite creating a probabilistic determination of a subscriber profile of said at least one session group based on the subscriber selection data and targeting ads based on said probability (i.e. based on the user's selection, it determines

Art Unit: 3622

if a child is using the system and providing cereals or toys advertisement)(col. 6, lines 40-49).

With respect to claims 19-22, Williams further teaches that the determination is based on the program viewed, channel changed, program guide accessed and volume sequence (Figure 8).

Response to Arguments

5. The objection to the specification has been withdrawn.

6. The 112, 2nd rejection has been withdrawn.

7. Applicant argues that Williams does not teach clustering the plurality of viewing sessions. The Examiner wants to point out that in Williams the viewing sessions corresponds to TV programs viewed. In Williams, the TV programs have a genre based on the program content. For example, S-sport, M-music, Mv-movies, N-news, etc (see figure 8). Based on the program's genre, Williams groups the programs as being sports, news programs, etc. So therefore, contrary to Applicant's arguments, Williams clearly teaches independently characterizing the programs prior to the monitoring steps. In Williams the grouping or clustering of the programs is determined in order to match/recommend or offer the these programs to the users based on their interests (col. 3, lines 20-27).

8. With respect to the subscriber being identified independently of subscriber characteristics established prior to the monitoring step. The arguments is moot based on the new rejection pertaining to this feature. The Examiner has taken Official Notice

is taken that it is old and well known in marketing and the like to identify demographic information of who is currently watching a TV program without having prior information on the viewers in order to broadcast programs or commercial to a large audience. In order to offers programming/entertainment suggestions to a vast majority of users.

9. With respect to Applicant's arguments pertaining to updating user preference not being the same as recording each viewing sessions. Williams teaches on Figure 8, classifying the TV sessions Internet as being SPORTS MUSIC MOVIES sessions. Regardless if the user preference is updated or not, Williams still teaches classifying and recording the TV sessions, which meets the current claims.

10. With respect to Applicant's arguments pertaining to a common identifier representative of subscriber selection data. The Examiner wants to point out that the clustering or grouping is based on the TV programs watched by the user and the common identifiers used are SPORTS MUSIC MOVIES.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Point of contact

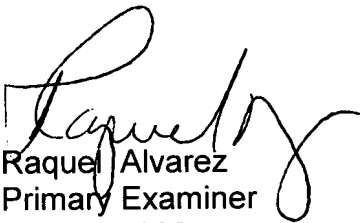
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/857,160
Art Unit: 3622

Page 8



Raquel Alvarez
Primary Examiner
Art Unit 3622

R.A.
10/2/2007